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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/602,688

06/25/2003

Bill Kitchen

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1350

20457

7590

06/21/2006

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EXAMINER

ALVAREZ, RAQUEL

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/602,688

Applicant(s)

KITCHEN ET AL.

Examiner

Raquel Alvarez

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34-37, 39-44, 47-50 and 52-57 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 34-37, 39-44, 47-50 and 52-57 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to communication filed on 4/17/2006.
2. Claims 34-37, 39-44, 47-50 and 52-57 are presented for examination. Claims 45-46 and 58-59 have been canceled.

#### **Claim Rejections - 35 USC § 112**

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 34, 47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no written support for transmitting a notice of availability of the first billing information to a first consumer and not transmitting a notice of availability of the second billing information to the second consumer. As per Applicant's specification on pages 20, 24 and 27 the only support found was to transmit the availability of the billing information to the consumers. There was no support found for transmitting to availability of billing information to some consumers and not to others.

**Claim Rejections - 35 USC § 102**

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 34-37, 39-44, 47-50 and 52-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Landry.

With respect to claims 34 and 47, Landry teaches a method for electronically presenting and paying bills (Abstract). Receiving by a service provider first billing information representing a first bill from a first biller and second billing information representing a second bill from a second biller (i.e. the service provider receives bill information for the first and second payees)(col. 11, lines 64 to col. 12, lines 1-20) transmitting a notice of availability of at least a portion of the first billing information to a first consumer (i.e. the payor has access to his bill information)(col. 12, lines 4-9); automatically directing payment of the first bill by the service provider on behalf of the first consumer (col. 11, lines 64 to col. 12, lines 1-4); automatically directing payment of the second bill by the service provider on behalf of a second consumer without transmitting a notice of availability of at least a portion of the second billing information to the second consumer subsequent to transmitting the notice without receipt of the

consumer request for the service provider to pay the one bill (i.e. having pre-instruction from the payors as to indicate the amount to pay on future bills as well as the period of time of when the service provider should make the payments on behalf of the payor (col. 4, lines 18-37).

With respect to claims 35, 48 Landry teaches that the first consumer is the same as the second consumer (i.e. the payee sends the bill information directly to the service provider so no need for the consumer to access his bill information).

With respect to claims 36-37, 49-50, Landry teaches the first bill is associated with a first biller and the second bill is associated with a second biller and the first biller is different than the second biller (different/multiple payees will use the system).

With respect to claims 39, 52 Landry further teaches that the first bill and the second bill is paid without receipt of a request for the service provider to pay the respective bill (i.e. having pre-instruction from the payors as to indicate the amount to pay on future bills as well as the period of time of when the service provider should make the payments on behalf of the payor (col. 4, lines 18-37).

With respect to claims 40, 53 Laundry further teaches receiving, prior to receipt of billing information, a pre-bill instruction for the service provider to pay future bills at least one of the first biller and the second biller; wherein at least one of the first bill and

the second bill is a future bill (i.e. receiving instructions on how to pay future bills)(col. 4, lines 18-37).

With respect to claims 41-44, 54-57, Landry further teaches that the pre-bill instruction includes a directive for the service provider to pay the future bills in an amount equal to a total amount and a period of time for the service provider to pay future bills (i.e. pre-instruction from the payor as to indicate the mount to pay on future bills as well as the period of time of when the service provider should make the payments on behalf of the payor (col. 4, lines 18-37).

**Response to Arguments**

7. With respect to the arguments pertaining to Hogan, the arguments are moot.

8. Applicant argues that the Landry teaches away from the payments of the second bill been automatically directed by the service provider on behalf of a second consumer without transmitting a notice of availability of at least a portion of the second billing information to the second consumer. The Examiner respectfully disagrees with Applicant because in Landry, col. 4, lines 18-37 the customer sets the time period in which the service provider should withdraw the payment from the payor's account and every month the payor's account is debited. In the system of Landry the payor doesn't take any action to pay his bill therefore no notice of bill availability is necessary.

9. Applicant argues that Landry would not work as desired if the payors are not properly notified of the billing information. The Examiner disagrees with Applicant because in Landry, the service provider receives the bill information directly from the billers so therefore no need to notify the payor of the availability of the bill (col. 7, lines

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33-37 and lines 49-24), the payor may or may not access his bill information as taught by Landry on col. 12, lines 4-9.

**Conclusion**

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

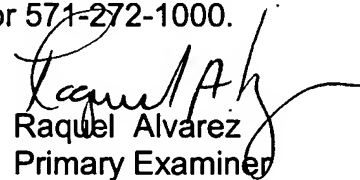
**Point of contact**

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Raquel Alvarez  
Primary Examiner  
Art Unit 3622

R.A.  
6/12/2006